



APPLICATION ACCEPTED: March 25, 2014
BOARD OF ZONING APPEALS: June 18, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

JUNE 11, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-DR-028

PROVIDENCE DISTRICT

APPLICANT/OWNER: Isabel C. Avellaneda de Arellano dba
Zebralation.Mom Inc.

SUBDIVISION: Pimmit Hills, Section 6

STREET ADDRESS: 1804 Peabody Drive, Falls Church 22043

TAX MAP REFERENCE: 30-3 ((3)) 414

LOT SIZE: 10,445 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-305

SPECIAL PERMIT PROPOSAL: To permit a home child care facility.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-DR-028 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**

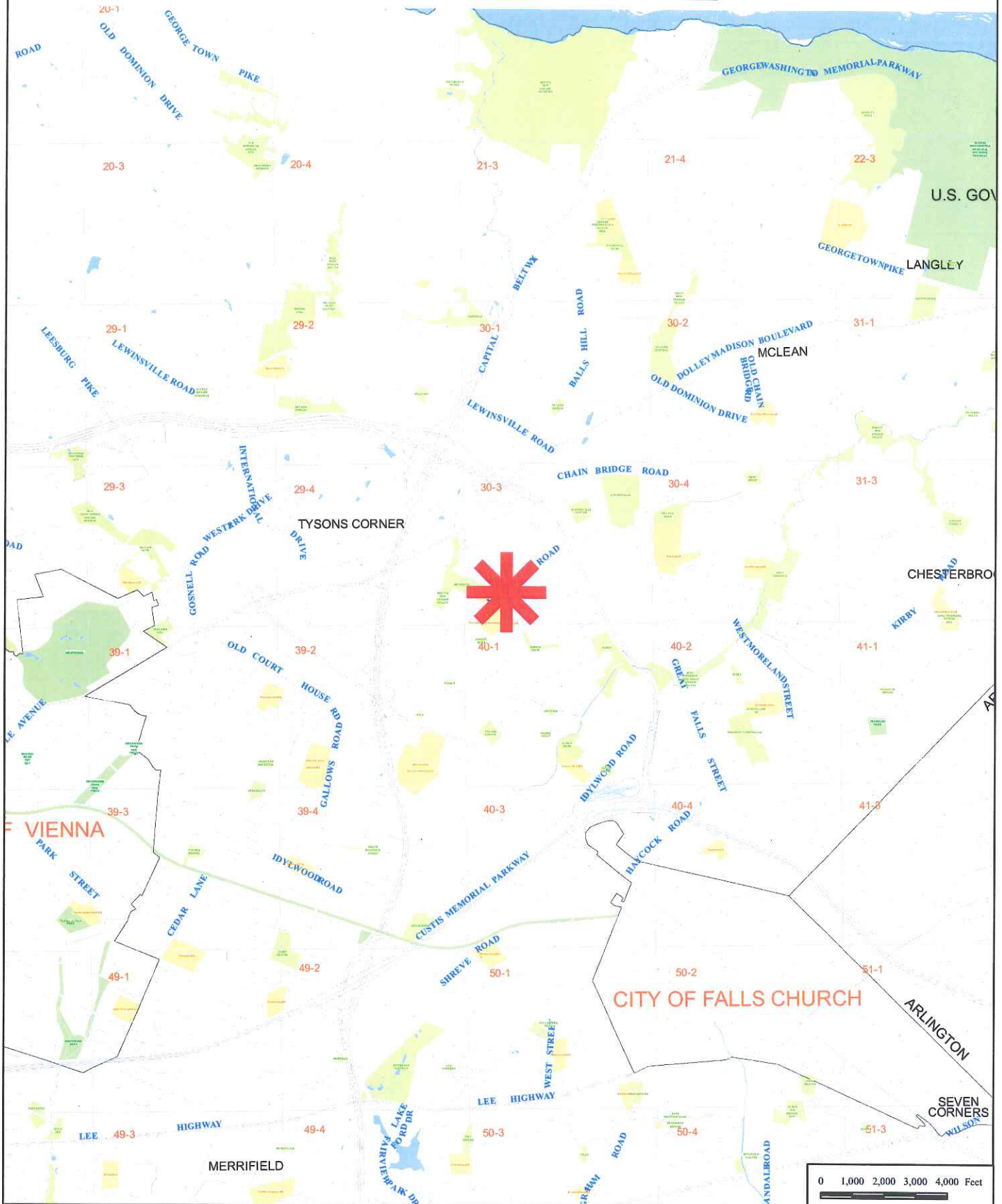


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-DR-028

ISABEL C. AVELLANEDA DE ARELLANO / ZEBRALATION.MOM

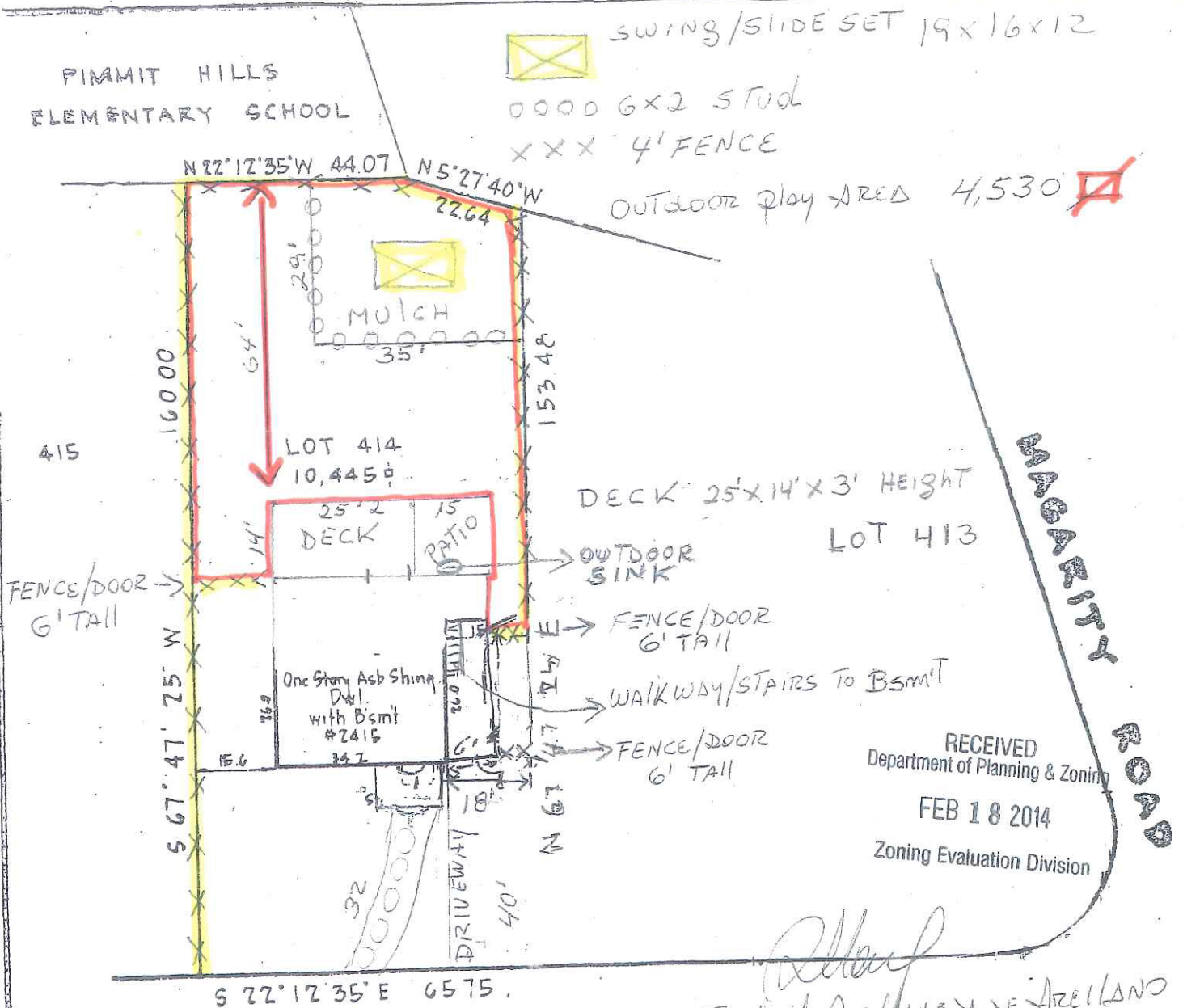


SP 2014-DR-028

This is a detailed zoning map of a residential area in Pimmit Hills, Virginia. The map shows various zoning districts including R-1, R-20, R-4, C-3, and B-768. Key streets labeled include Anderson Rd., Magarity Rd., Peabody Dr., and Lisle Ave. The map also shows Westgate Park, Scott Run Park, and Pimmit Hills. A scale bar at the bottom right indicates distances from 0 to 500 feet.

0 100 200 300 400 500 Feet

REVISIONS



RECEIVED
Department of Planning & Zoning
FEB 18 2014
Zoning Evaluation Division

PEABODY DR.
(50' wide)

Isabel Avellaneda DE ARELLANO
02/12/2014



HOUSE LOCATION
LOT 414 SEC G
PIMMIT HILLS
DRANESVILLE MAGISTERIAL DIST.
FAIRFAX COUNTY VIRGINIA

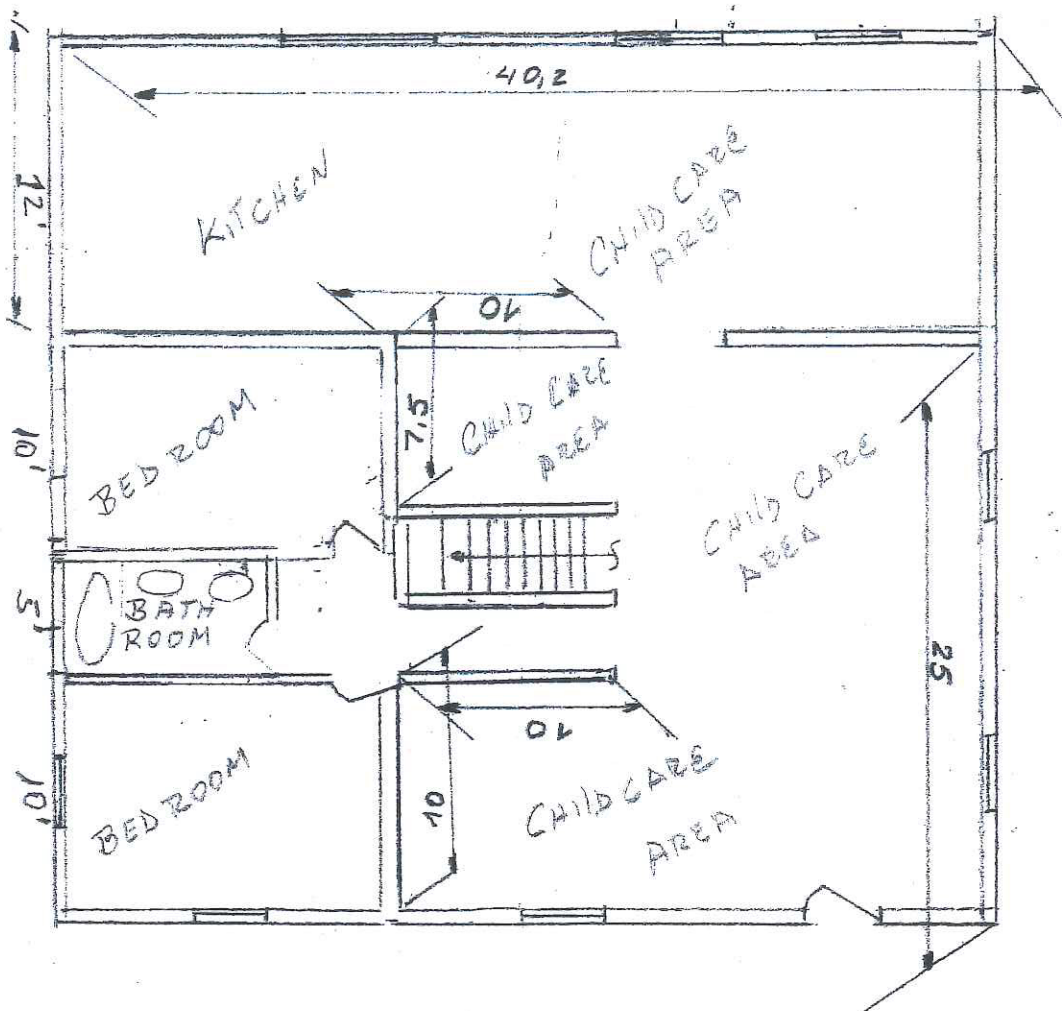
Scale 1" = 30'

Feb. 2, 1962

Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

HOUSE LOCATION
LOT 414 Sec 6



FIRST FLOOR

RECEIVED
Department of Planning & Zoning

FEB 18 2014

Zoning Evaluation Division

Scale 1" = 10'

Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

1

01-18-14



2

01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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01-18-14



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01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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01-18-14



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01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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01-22-14



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01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

17

01-18-14



18

01-18-14



Isabel C. Avelaneda
1804 Peabody Dr
Falls Church VA 22043

1 e

01-18-14



1 b

01-18-14



Isabel C. Avellaneda
1804 Peabody Dr
Falls Church VA 22043

LC

01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

2 e

01-18-14



2 b

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Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

2c

01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

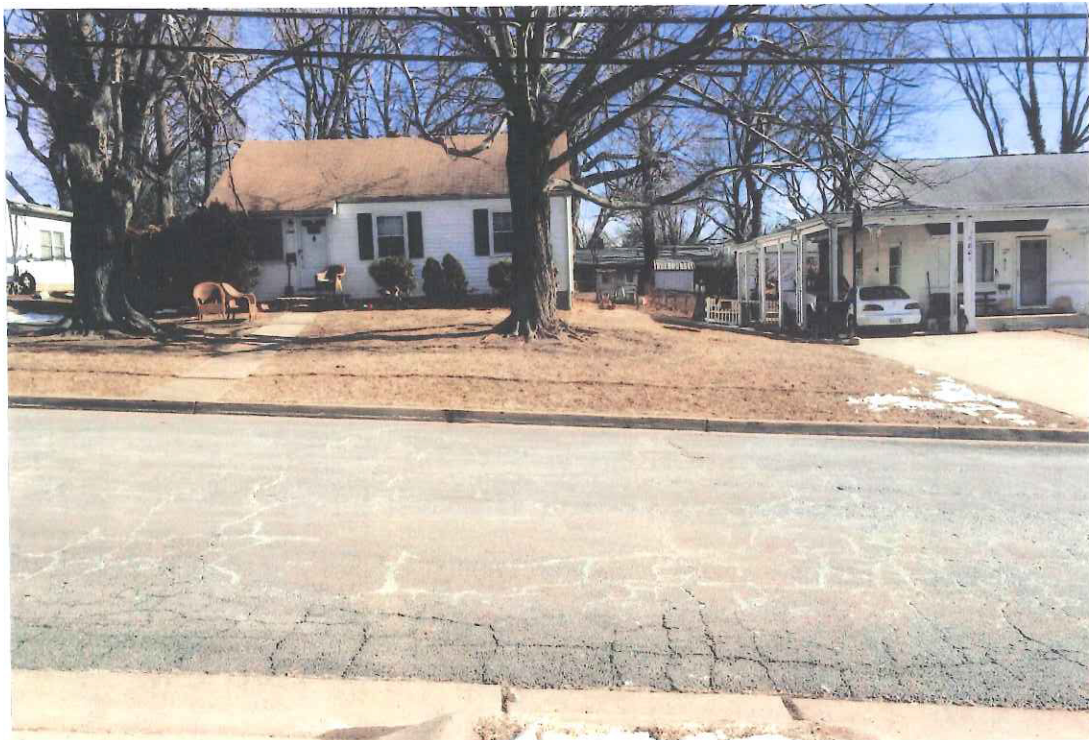
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01-18-14



36

01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

3c

01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

4 a

01-18-14



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Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

4c

01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

5c

01-18-14



5b

01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

5c

01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

6 a

01-18-14



6 b

01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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01-18-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

7 e

01-22-14



7 b

01-22-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

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Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

8c

01-22-14



02-08-14



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02-08-14



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02-08-14



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41-80-20



7

41-80-20



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

02-08-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

1-a



41-80-20

1-b



41-80-20

Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

1-c

41-80-20



1-d

41-80-20



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

2 c

02-08-14



2 b

02-08-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

3

02-08-14



Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

4-a



02-08-14

4-b



02-08-14

Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

5 a



46-80-20

5-b



46-80-20

Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

6 - a

02-08-14



6 - b

02-08-14





Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043



02-08-14



SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit for a home child care facility for 12 children at any one time within an existing dwelling.

A copy of the special permit plat titled "House Location, Lot 414, Sec 6, Pimmit Hills, Dranesville Magisterial Dist., Fairfax County, Virginia," prepared by a Virginia certified land surveyor, dated February 2, 1962, as revised on February 12, 2014, by Isabel Avellaneda De Arellano, owner, is included at the front of the staff report.

A detailed discussion of the request is included on pages two and three.

CHARACTER OF THE SITE AND SURROUNDING AREA

The lot, situated near the intersection of Peabody Drive and Magarity Road in Section Six of the Pimmit Hills subdivision, contains 10,445 square feet. The property contains a two story, vinyl sided dwelling of 1,736 square feet. A four foot chain link fence rings the perimeter of the rear yard. A six foot high fence on either side of the dwelling separates the rear yard from the rest of the property. A 350 square foot wood deck, three feet in height, is attached to the rear of the dwelling. A 210 square foot brick patio is adjacent to the deck. This patio features an outdoor sink. Play equipment in the rear yard does not include any fixed structures. A slide/swingset, 12 feet in height, 19 feet in length, and 16 feet in width, is featured in a mulched area in the rear yard.

The north side yard features an open patio paved with stone slab.

A paved driveway provides access to the lot from Peabody Drive, with space enough for four parked vehicles. A gravel walkway leads to the front entrance of the dwelling.

Staff has noted an accessory structure in the rear yard, in this case the slide/swingset, has a height greater than 7 feet, and thus must be located no closer than a distance equal to its height to the rear lot line according to paragraph 12 of section 10-104 of the zoning ordinance. The slide/swingset sits 9 feet from the rear lot line, short of the required 12 feet equal to the structure's height. This does not comply with the Zoning Ordinance and will need to be addressed in the future, should the applicant sell the property or request other permits. Failure to address this issue may impact the applicant's ability to obtain building permits or pursue other zoning applications on this property in the future.

As shown in the image on the following page, the site is surrounded by single family residences, zoned R-4, south of Magarity Road. The area immediately north of Magarity Road, zoned R-1 and R-20, is the location of Westgate Elementary School. Another home child care is currently in operation in the neighboring lot on 1802 Peabody Drive.



BACKGROUND AND HISTORY

County Records show that the dwelling was constructed in 1953. The applicant purchased the property on April 28, 2000. The applicant operates a home child care facility for 12 children, and holds a current license from the Commonwealth of Virginia, Department of Social Services for a family day home with a capacity for 12 children, which is valid until April 30, 2016. The applicant is licensed to care for children aged 2 months to 12 years, 11 months.

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit for a home child care facility for up to 12 children at any one time to operate between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday. Drop-off of children is staggered between 7:00 a.m. and 9:30 a.m. with pick-up between 2:45 p.m. and 6:00 p.m. Employees include the applicant and one full-time assistant. The home child care areas within the dwelling are limited to the first floor. The two bedrooms located on the first floor are not used for child care operations. During naptime, cots are placed out in the play areas. These areas are open and have safe egress via the front door and several large windows. The fenced rear yard, which includes the fixed slide/swingset, is utilized as an outdoor play area.

The existing driveway can accommodate four vehicles. Parents drop off their children in this driveway. There is also street parking available on Peabody Drive. However, while there are street spaces available, congestion generated by Westgate Elementary School may limit the availability and safe utilization of street parking during a.m. drop offs.

Zoning Inspections Branch made note that the deck built in the rear yard lacked a building permit. A development condition has been included in Appendix 1 to require the acquisition of all applicable permits and associated inspections prior to establishment of the use.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area II, McLean Planning District
Planning Sector: Pimmit (M2) Community Planning Sector
Plan Map: Residential use at 3-4 dwelling units per acre (du/ac)

ONSITE PARKING AND SITE CIRCULATION

Staff notes that Westgate Elementary School, located at the intersection of Peabody Drive and Magarity Road, generates significant traffic congestion on weekday mornings. Fairfax County Department of Transportation staff observed that the congestion created potentially unsafe traffic scenarios on Peabody Drive. However, an active Fairfax County Public Schools project at Westgate Elementary School to construct a Kiss and Ride lot will be completed in the summer of 2014. The construction of this lot alleviates FCDOT's concern about the weekday morning traffic on Peabody Drive impacting the safety of drop-offs for the subject property.

The site driveway does contain enough space for four vehicles. In the interest of safety given the level of morning activity along Peabody Drive, a development condition has been added to limit the drop-off and pick-up of children to the driveway.

ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 3 Uses (Sect. 8-303)
- Additional Standards for Home Child Care Facilities (Sect. 8-305)

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included in Appendix 4. Subject to the development conditions, the special permit must meet these standards.

CONCLUSION AND RECOMMENDATIONS

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. Staff recommends approval of SP 2014-DR-028, subject to the Proposed Development Conditions dated June 10, 2014.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. FCDOT Memorandum
5. ZIB Comments
6. State License
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**June 11, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-028 located at Tax Map 30-3 ((3)) 414 for a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Isabel C. Avellaneda de Arellano dba Zebrulation.Mom, Inc. only and is not transferable without further action of the Board, and is for the location indicated on the application, 1804 Peabody Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care facility use indicated on the special permit plat titled "House Location, Lot 414, Sec 6, Pimmit Hills, Dranesville Magisterial Dist., Fairfax County, Virginia," prepared by a Virginia certified land surveyor, dated February 2, 1962, as revised on February 12, 2014, by Isabel Avellaneda De Arellano, owner, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. There shall be no signage associated with the home child care facility.
8. Drop-off and pick-up of child care facility children shall be conducted only in the driveway of 1804 Peabody Drive.
9. The maximum number of assistants for the home child care shall be one.
10. All applicable permits and inspections shall be obtained prior to establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-10-14
 (enter date affidavit is notarized)

124451

I, ISABEL C. AVELLANEDA DE ARELLANO do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
ISABEL C. AVELLANEDA DE ARELLANO d/b/a	1804 Peabody Dr Falls Church VA 22043	TITLE OWNER
ZEBRA LATION. MOM, INC		

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-10-14
(enter date affidavit is notarized)

124451

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

ZEBRA LATION MOM, INC

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

ISABEL C. AVELLANEDA DE ARELLANO
N/A

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

124451

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-10-14
(enter date affidavit is notarized)

124451

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

124451

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-10-14
(enter date affidavit is notarized)

124451

1(d). One of the following boxes must be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04-10-14
(enter date affidavit is notarized)

124451

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

ISABEL C. AVELLANEDA DE ARELLANO
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10 day of APRIL, 2014, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Justin Ingram
Notary Public

My commission expires: 08-31-2017

ANGELA C. SALAZAR MARTINEZ
NOTARY PUBLIC
REG. #328151
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUGUST 31, 2017

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Name: ISABEL C. AVELLANEDA DE ARELLANO

Address: 1804 PEABODY DR FALLS CHURCH
VA - 22043

Phone #: 703 - 827 - 2646

E-mail: ZEBRATION@HOTMAIL.COM

Date 02 - 11 - 14

Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Special Permit Application

Applicant: ISABEL C. AVELLANEDA DE ARELLANO
Zoning Ordinance Section 8-305 for Home Child Care Facility
Section 8-004 of General Standards

Tax Map #: 0303030414
Zoning District: R-4
Lot Size: 10.445

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a attached / detached (circle one) dwelling at 1804 PEABODY DR. FALLS CHURCH VA 22043 (your address). The property is zoned R-4 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the State of Virginia to have 12 children in my child care facility in my home. Below is information about my child care facility's operations:

Hours. The child care is open from 7.30 A.M To 6.00 p.m. MONDAY THROUGH FRIDAY

Number of Children. I care for up to 12 children at any one time. This number does not include my own 0 child/children.

Employees. I have 0 assistant(s) who work part-time and 1 assistant(s) who work full-time.

Arrival Schedule. 6 of the children arrive between 7.30 AM and 8.30 AM.
4 8.30 9.00
2 9.00 9.30

Departure Schedule. _____ of the children are picked up at _____ PM.

PLEASE SEE ATTACHED SCHEDULE FOR ARRIVAL AND DEPARTURE

Area Served. MC. LEAN, PIMMIT HILLS, VIENNA

(what neighborhood/general area do the children live in?)

Operations. As I stated, my house is a single-family attached (detached) (circle one) dwelling. It has (explain the general layout of the house): IT HAS A WALK-OUT BASEMENT WHERE I HAVE MY LIVING AREA. I USE THE FIRST FLOOR OF THE HOUSE FOR DAYCARE: THE ENTRANCE, THE LIVING AREA, THE FAMILY ROOM AND THE KITCHEN FOR MEALS AND TABLE ACTIVITIES. THE HOUSE HAS A THIRD FLOOR AREA WITH 1/2 BATH
The house has 2,450 square feet. The following rooms are where I conduct the day care: THE ORIGINAL LIVING ROOM AND DINING ROOM + THE ADDITION KITCHEN AND DINING
These rooms are 900 square feet total. ATTACHED IS A FLOOR PLAN.

Hazardous or Toxic Substances. The house and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Outdoor Play Area. I use my back yard for outdoor play for the children. The area is approximately 4,530 square feet. The outdoor play area consists of: A WOOD SWING SET WITH SLIDE AND LANDING AREA, AT LEAST 4 1/2' OF MULCH. THIS AREA IS 29' X 35' ENCLOSED WITH 6 X 4 STUDS ON THE GROUND. THERE ARE OTHER OUTDOOR TOYS LIKE PLAY HOUSES, WATER TABLE, PICNIC TABLES AND RECREATIONAL ACTIVITIES

Parking. I use my DRIVE WAY to park my family car(s). My parents park IN MY DRIVEWAY. THERE IS ENOUGH PARKING FOR 4 CARS
BECAUSE THE DRIVEWAY IS 40' X 18' AND HOLDS 2 CARS SIDE BY SIDE
MY HELPER TAKES THE BUS.

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

In conclusion, I am proposing NO CHANGES TO THE OUTSIDE APPEARANCE OF MY VINYL SIDED HOME. I PROPOSE NO ADDITION AND NO SIGNS REGARDING THE DAYCARE. ADEQUATE PARKING IS AVAILABLE FOR MY PARENTS AND FAMILY. FOR THESE REASONS, I BELIEVE THAT MY PROPOSED HOME DAY CARE FACILITY WILL NOT IMPACT MY NEIGHBORS IN ANY NEGATIVE WAY

Sincerely,

ISABEL C. ARELLANEDA DE ARELLANO
Owner of ZEBRA IATION. MOM

Isabel C Avellaneda
1804 Peabody Dr
Falls Church VA 22043

Arrival Schedule and Departure Schedule

Arrival Schedule

8.30 - 9.30

Child	7:00 - 7:45 AM	7:45 - 8:00 AM	8:00 - 8:30 AM	9:00 - 9:15 AM
1	X			
2	X			
3	X			
4		X		
5		X		
6			X	
7			X	
8			X	
9				X
10				X
11				X
12				X

Departure Schedule

5.30/6.00

Child	2:45 - 4:15 PM	4:15 - 4:30 PM	4:30 - 5:00 PM	5:00 - 5:30 PM
1				
2				
3			X	
4			X	
5			X	
6		X		
7		X		
8	X			
9		X		
10	X			
11				X
12				X

RECEIVED
Department of Planning & Zoning
FEB 18 2014
Zoning Evaluation Division




County of Fairfax, Virginia

MEMORANDUM

DATE: May 1, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Michael A Davis, Acting Section Chief 
Site Analysis Section
Department of Transportation

SUBJECT: Transportation Impact

REFERENCE: SP 2014-DR-028; Isabel C. Avellaneda De Arellano/ Zebration Mom
Home Child Care
Land Identification Map: 30-3 ((3)) 414

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on the informational packet made available to this department on April 14, 2014.

The proposed application for a home child care facility to accommodate up to 12 children and 1 employee has been reviewed by Fairfax County Department of Transportation (FCDOT). FCDOT is concerned about the current traffic and safety issues on Peabody Drive, due to traffic queuing for the Kiss and Ride for Westgate Elementary School. However, Westgate ES is scheduled to construct a Kiss and Ride lot summer of 2014 and should decrease traffic substantially on Peabody Drive. Under these circumstances, FCDOT does not have an issue with SP 2014-DR-028 application.

MAD/ma

Buono, Jonathan

From: Curry, Dawn Marie
Sent: Thursday, April 24, 2014 11:14 AM
To: Buono, Jonathan
Subject: Home Child Care Inspection - Falls Church
Attachments: SP2014_DR_028_DIST.pdf

Good Morning Jonathon,

It was a pleasure to accompany you to the Home Child Care Inspection. My observations made on April 24, 2014 of the child care facility located at 1804 Peabody Drive, Falls Church, Virginia.

- Was the deck constructed with building permits? If no permits were issued, the applicant should have to obtain the requisite permits and inspections.

Search for Child Day Care


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Isabel Arellano

1804 Peabody Drive

FALLS CHURCH, VA 22043

(703) 827-2646 

Facility Type: [Family Day Home](#)


License Type: [Two Year](#)

[Expiration Date](#): April 30, 2016

Business Hours: 7:30 am - 6:00 p.m.
Monday - Friday

Capacity: 12

Ages: 2 months - 12 years 11 months

Inspector: Cynthia Burling
(703) 934-1506 

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305**Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.